

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to child care assistance fees and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 170, “Child Care Services,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 234.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 234.6.

Purpose and Summary

The proposed amendments revise the Child Care Assistance (CCA) fees that are based on federal poverty levels (FPL), household size, and family gross monthly income. These amendments remove the fee chart from administrative rules and ensure that the fee chart, revised annually, is published on the Department’s website. Finally, these amendments provide clarification regarding change reporting requirements.

Fiscal Impact

Copay chart changes: There is no fiscal impact to the state. The proposed amendment simply allows families that have received a cost-of-living pay increase to remain at their current fee level.

Reporting requirements: The clarification on reporting requirements has no fiscal impact.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

This amendment does not provide a specific waiver authority because families may request a waiver of these provisions in a specified situation under the Department’s general rule on exceptions at rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 16, 2019. Comments should be directed to:

Harry Rossander
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Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
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Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Rescind subrule 170.2(4) and adopt the following **new** subrule in lieu thereof:

170.2(4) Reporting changes. The parent may report any changes in circumstances affecting these eligibility requirements and changes in the choice of provider to the department worker or the PROMISE JOBS worker within ten calendar days of the change.

a. If the change is timely reported within ten calendar days, the effective date of the change shall be the date when the change occurred.

b. If the change is not timely reported within ten calendar days, the effective date of the change shall be the date when the change is reported to the department office or the PROMISE JOBS office.

c. Exceptions. The following changes must be reported:

(1) Changes in income when the family’s gross monthly income exceeds 85 percent of Iowa’s median family income.

(2) A lapse in a parent’s need for service found in paragraph 170.2(2) “b” that is not temporary.

(3) A change in residency outside of the state of Iowa.

(4) No eligible child remains in the home.

d. The department worker shall disregard any reported changes that are not required to be reported unless the change would cause the authorized units to be increased or the family copay amount to be decreased.

ITEM 2. Rescind subrule 170.4(2) and adopt the following **new** subrule in lieu thereof:

170.4(2) Fees. Fees for services received shall be charged to clients based on household size and the family’s gross monthly income. Clients receiving child care services without regard to income shall not be charged a fee. The fee is a per-unit charge that is applied to the child in the family who receives the largest number of units of service. The fee shall be charged for only one child in the family, regardless of how many children receive assistance.

a. Sliding fee schedule. The fee schedule shall be updated annually, effective July 1 of each year, to reflect updated federal poverty level guidelines. The fee schedule will be published on the department’s website.

b. Collection. The provider shall collect fees from clients.

(1) The provider shall maintain records of fees collected. These records shall be available for audit by the department or its representative.

(2) When a client does not pay the fee, the provider shall demonstrate that a reasonable effort has been made to collect the fee. “Reasonable effort to collect” means an original billing and two follow-up notices of nonpayment.

c. Inability of client to pay fees. Child care assistance may be continued without a fee, or with a reduced fee, when a client reports in writing the client’s inability to pay the assessed fee due to the existence of one or more of the conditions set forth below. Before reducing the fee, the worker shall assess the case to verify that the condition exists and to determine whether a reduced fee can be charged.

The reduced fee shall then be charged until the condition justifying the reduced fee no longer exists. Reduced fees may be justified by:

- (1) Extensive medical bills for which there is no payment through insurance coverage or other assistance.
- (2) Shelter costs that exceed 30 percent of the household income.
- (3) Utility costs not including the cost of a telephone that exceed 15 percent of the household income.
- (4) Additional expenses for food resulting from a diet prescribed by a physician.

ITEM 3. Amend paragraph **170.4(3)“i”** as follows:

i. Transgressions. If any person subject to the record checks in paragraph 170.4(3)“g” or 170.4(3)“h” has a record of founded child abuse, dependent adult abuse, a criminal conviction, or placement on the sex offender registry, the department shall follow the process for prohibition or evaluation defined at 441—subrule ~~110.7(3)~~ 120.11(3).

- (1) and (2) No change.